

Remarks

Reconsideration of this Application is respectfully requested. Claim 42 has been amended. Upon entry of the foregoing amendment, claims 35-72 are pending in the application, with claim 35 being the sole independent claim. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully submit that the present application is in full compliance with the requirements of 37 C.F.R. §§ 1.821-1.825.

I. Compliance with 37 C.F.R. §§ 1.821-1.825

In the Notice, the Examiner has requested the Applicants to provide sequence identification numbers for the sequences listed in claim 42. Additionally, at page 2 of the Office Communication, the Examiner has stated that it is unclear whether there is a single sequence or multiple sequences listed in claim 42.

Applicants have amended claim 42 to include the sequence identification numbers for the sequences listed in claim 42. Applicants respectfully comment that the addition of the four individual sequence identification numbers makes it clear that there are four individual sequences listed in claim 42. Therefore, the sequence identification number requirement has been fulfilled, and the existence of four individual sequences has been made clear.

In the Notice, the Examiner has requested Applicants to provide an initial or substitute computer readable form (CRF) copy of the Sequence Listing and an initial or

substitute paper copy of the Sequence Listing, along with an amendment directing its entry into the specification. Additionally, the Examiner has requested Applicants to provide a statement that the content of the paper and the computer readable copies are the same and, where applicable, include no new matter.

Applicants respectfully point out that a computer readable copy (diskette) of the Substitute Sequence Listing, containing the sequences that are listed in claim 42, was filed as a part of the instant application on December 23, 1999. Also filed with the application was a Preliminary Amendment presenting a paper copy of the Substitute Sequence Listing. The Preliminary Amendment also contained a statement that the Substitute Sequence Listing contained no new matter (beyond updating the current and prior application data), and that the paper and computer readable copies of the Substitute Sequence Listing were the same.

Copies of the date stamped postcard filed with the instant application, the Preliminary Amendment, the Substitute Sequence Listing, and the diskette are provided herewith for the Examiner's review.

Therefore, upon entry of the foregoing Amendment, the instant application will be in full compliance with 37 C.F.R. §§ 1.821-1.825

Conclusion

All of the stated requirements in the Notice have been properly traversed, accommodated, or rendered moot. Reconsideration of this Application is respectfully requested. Applicants believe that a full and complete reply has been made to the Notice

and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: May 6, 2003

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Version with markings to show changes made

The following claim 42 has been substituted for existing claim 42:

42. (Once Amended) The nucleic acid molecule of claim 41, wherein the nucleotide sequence of the top strand of said repeat-containing sequence is selected from the group consisting of: ATCTCAGGAT (SEQ ID NO:1), ATCAGTCGAT (SEQ ID NO:2), ATCGCATGAT (SEQ ID NO:3), ATCATGCGAT (SEQ ID NO:4), and complements thereof.

Due Date: December 25, 1999

Applicants: HU *et al.*

Art Unit: (To be Assigned)

Examiner: (To be Assigned)

Application No.: (To Be Assigned; Rule 53(b) Continuation
of 09/048,242)

Docket: 0942.4340002

Filed: Herewith

Atty: RWE/BJD

For: Nucleic Acid Ladders

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. PTO Transmittal Letter (*in duplicate*);
2. USPTO Utility Patent Application Transmittal Form PTO/SB/05;
3. U.S. Utility Patent Application, entitled: **Nucleic Acid Ladders**; naming inventors: **A-Li W. HU, James L. HARTLEY and Heather J. JORDAN**; the application consisting of (a) 23 pages of description prior to the claims, including a Sequence listing on pages 21-23; (b) 7 pages of claims (34 claims); (c) a one (1) page abstract; (d) 3 sheets of drawings (Figures 1-3);
4. Preliminary Amendment and Submission of Substitute Sequence Listing;
5. A paper copy of the Substitute Sequence listing (pages 1-3);
6. A computer readable diskette copy of the Substitute Sequence listing;
7. Authorization to Treat A Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*); and

DOCKETED

For Advance Notification of Application Number

Box: Patent Application

IDS March 23, 2000

